## **CONNECTICUT LAW**



Published in Accordance with General Statutes Section 51-216a

VOL. LXXIX No. 8

**JOURNAL** 

August 22, 2017

310 Pages

## **Table of Contents**

## **CONNECTICUT REPORTS**

In re Elianah TT., 326 C 614	76
Kellogg v. Middlesex Mutual Assurance Co., 326 C 638	100
manifest disregard of law as ground for vacating arbitration award, discussed.  Munn v. Hotchkiss School, 326 C 540.  Negligence; claim that defendant school had been negligent in failing to warn plaintiff student and her parents of risk of exposure to tick-borne encephalitis in connection with school sponsored educational trip to China, and in failing to ensure that plaintiff took protective measures against insect bites to prevent contracting that disease; certified questions from Second Circuit Court of Appeals as to whether Connecticut public policy supported imposing duty on school to warn about or to protect against foreseeable risk of serious insect-born disease when it organized trip abroad, and whether damages award warranted remittitur; whether normal expectations of participants in school sponsored trip abroad supported imposition of duty on defendant to warn about and to protect against serious insect-borne diseases; claim that recognizing duty would have chilling effect on educational travel and will lead to increased litigation; claim that rarrity of tick-borne encephali-	2
tis precluded finding that defendant had duty to warn or to protect.  Williams v. General Nutrition Centers, Inc., 326 C 651	113 131
CONNECTICUT APPELLATE REPORTS	
Commissioner of Social Services v. Zarnetski, 175 CA 632	2A
Countinged on most of	)

(continued on next page)

32A

62A

setts; whether plaintiff was required, pursuant to relevant statutory (§§ 46b-172 and 46b-215) provisions, to produce Massachusetts acknowledgement of paternity for magistrate to proceed on support petition; whether out-of-state acknowledgment is given same full faith and credit as one executed in Connecticut; whether trial court acted in contravention of plain and unambiguous language of §§ 46b-172 and 46b-215 when it found that magistrate properly dismissed support petition for failure to provide copy of Massachusetts acknowledgment; whether public policy violated by magistrate and trial court requiring plaintiff to submit acknowledgment of paternity when paternity was not at issue.

Procaccini v. Lawrence & Memorial Hospital, Inc., 175 CA 692. . . . . . . . . . Medical malpractice; claim that defendant was vicariously liable for medical malpractice of physician in treating decedent for suspected drug overdose where physician failed to keep decedent under medical monitoring for twenty-four hour period; whether there was sufficient evidence supporting jury's finding that defendant's negligence caused decedent's death; whether jury had before it sufficient evidence from which it could have inferred, without resorting to speculation, that decedent had consumed fatal dose of methadone before she was brought to hospital emergency department; credibility of witnesses; conflicting expert testimony; claim that it was improper for jury to consider testimony of plaintiff's expert on standard of care concerning issue of causation; claim that because plaintiff failed to present evidence demonstrating that decedent would have been admitted to hospital had physician not discharged decedent from emergency department, jury could not reasonably have found that defendant caused decedent's death; whether, to prove causation, plaintiff needed to show only that decedent could have been monitored sufficiently for twenty-four hours; whether trial court abused discretion in refusing to set aside jury's award of damages for destruction of decedent's capacity to carry on and enjoy life's activities; whether plaintiff presented sufficient evidence of decedent's life expectancy.

(continued on next page)

## CONNECTICUT LAW JOURNAL

(ISSN 87500973)

Published by the State of Connecticut in accordance with the provisions of General Statutes § 51-216a.

Commission on Official Legal Publications Office of Production and Distribution 111 Phoenix Avenue, Enfield, Connecticut 06082-4453 Tel. (860) 741-3027, FAX (860) 745-2178 www.jud.ct.gov

RICHARD J. HEMENWAY, Publications Director

 $Published\ Weekly-Available\ at\ \underline{\text{http://www.jud.ct.gov/lawjournal}}$ 

Syllabuses and Indices of court opinions by Michael A. Gentile,  $Acting\ Reporter\ of\ Judicial\ Decisions$  Tel. (860) 757-2250

The deadline for material to be published in the Connecticut Law Journal is Wednesday at noon for publication on the Tuesday six days later. When a holiday falls within the six day period, the deadline will be noon on Tuesday.

habitability requirements enunciated in Visco v. Cody (16 Conn. App. 444), relating to meaning of repairs as set forth in retaliatory eviction statute (§ 47a-20 [3]), were applicable to finding of municipal code violations pursuant to § 47a-20 (2); whether failure of this court to determine issue would give rise to prejudicial collateral consequences to landlords in future summary process cases.  Rockstone Capital, LLC v. Sanzo, 175 CA 770	140A
State v. Soto, 175 CA 739	109A
State v. Walton, 175 CA 642	12A
TD Bank, N.A. v. Salce, 175 CA 757	127A
Windsor Federal Savings & Loan Assn. v. Reliable Mechanical Contractors, LLC, 175 CA 651.  Contracts; whether individual defendant, who was no longer defendant to complaint when trial court rendered final judgment on complaint, was aggrieved and had standing to appeal from final judgment on complaint; whether this court lacked jurisdiction for lack of final judgment over appeal challenging trial court's dismissal of counterclaim; whether trial court improperly granted motion for summary judgment; whether defendant raised genuine issue of material fact as to whether guarantee was signed by defendant; whether trial court improperly resolved contested fact in granting motion for summary judgment; whether claim that trial court improperly dismissed counterclaim on ground that it was barred by statute of limitations was moot where there still existed another unchallenged ground on which trial court based judgment.	21A
Volume 175 Cumulative Table of Cases	161A
Small Claims Decentralization	1B